

**Board of Adjustment and Appeals
Pinellas County
February 1, 2023 Meeting Minutes**

The Board of Adjustment and Appeals (BAA) met in regular session at 9:00 AM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

Present

Joe Burdette, Chairman
Jose Bello, Vice-Chairman
Alan C. Bomstein
Vincent Cocks
John Doran
Cliff Gephart
Deborah J. White

Others Present

Molly Cord, Principal Planner
Maria White, Assistant County Attorney
Keith Vargus, Code Enforcement Operations Manager
Shirley Westfall, Board Reporter, Deputy Clerk
Other interested individuals

CALL TO ORDER

Chairman Burdette called the meeting to order at 9:00 AM and provided an overview of the hearing process.

PUBLIC HEARING ITEMS

Due notice having been given to interested persons pursuant to Comprehensive Zoning Ordinance No. 90-1, a public hearing was held on the following application. All persons planning to give testimony were duly sworn by a Deputy Clerk.

Case No. TY2-22-17

APPLICATION OF SETH SANTIAGO/GARNJANA VASSANAPRADIT THROUGH BRIAN AUNGST, JR., REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the application of Seth Santiago/Garnjana Vassanapradit through Brian Aungst, Jr., for a Type 2 Use for the reinstatement of a previously approved Type 2 Use to allow for parking in an R-4 zone, for the properties located at 7361 and 7355 46th Avenue North in West Lealman. No correspondence relative to the application has been received by the Clerk.

Ms. Cord introduced the case and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection with the reinstatement of the previous Type 2 Use approval (Case No. BA-07-08-19) granted by the Board in 2019 subject to the recommended conditions as the request appears to meet the criteria for granting Type 2 Uses found Section 138-241 of the Pinellas County Land Development Code. The subject property covers two parcels fronting the north side of 46th Avenue North. The west parcel has C-2 commercial zoning along the road frontage and R-4 residential zoning to the rear. The east parcel contains a single-family home and is zoned R-4. The applicant purchased the east parcel in 2019. The primary commercial structure on the west parcel has housed a bar for many years and was built prior to the establishment of the County's zoning regulations and parking standards. More recently, however, the applicant has added outdoor patron areas prior to obtaining the required permits and site plan approval. These areas are subject to current parking standards and all other applicable standards of the Code. This required parking can be placed on the R-4 zoned area of the subject property with a Type 2 Use approval. The applicant is proposing this use on the rear portions of both parcels. Notably, part of the R-4 area on the west parcel has already been paved and illegally used for parking and other business-related activities. This was done prior to the 2019 Board approval.

Following the 2019 approval, the applicant submitted applications for permits and site plan review, but the process stalled, and the approval eventually expired. As part of that site plan review, staff and the applicant worked through some long-existing site issues, including the reorientation of the nonconforming parking in front of the business to enhance safety and vehicular circulation. This adjustment is depicted on the concept plan. It is staff's opinion that the reinstatement of the Type 2 Use approval with the recommended conditions will bring the property into compliance and result in a betterment of the situation.

It should be noted that the previous case (BA-07-08-19) also involved a variance for the dispensing of alcohol within 150 feet of a residential zoning

district boundary line. Since that time, an update to the Land Development Code eliminated the need for such a variance. The use is now subject to the specific use standards of Section 138-3240 of the Code pertaining to alcohol dispensing. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Full site plan review.
3. No other commercial uses beyond parking shall be allowed in the R-4 zoned areas.

Brian Aungst, Jr., Clearwater, appeared and related that no correspondence in opposition or support of the case has been received; that the request has been previously approved twice by the BAA; and that the applicant and staff have agreed upon a site plan; whereupon, responding to a query by Mr. Bomstein, he confirmed that the applicant agrees to the above-referenced conditions.

No one appeared upon the Chairman's call for opponents; whereupon, Mr. Bomstein made a motion that the Type 2 Use be granted as recommended in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Gephart and carried unanimously.

MINUTES OF THE JANUARY 4, 2023 MEETING

Mr. Bomstein made a motion, which was seconded by Ms. White and carried unanimously, that the minutes be approved.

OTHER BUSINESS

At the request of Chairman Burdette, Attorney White indicated that she will look into eliminating the zoom option for meeting participants, excluding board members, effective immediately.

Mr. Bomstein recommended that in the future, if only one case is on the agenda, that staff contact the applicant regarding the possibility of moving that sole case to the next meeting date.

Mr. Bomstein related that a former BAA member Michael McCain recently passed away.

Chairman Burdette informed the members that the County is in the process of accepting applications for an alternate member for the BAA.

ADJOURNMENT

The meeting was adjourned at 9:09 AM.